BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 617 1983

Bill H 428 S _____ Original bill & history X C

H. Committee on EDUCATION & CULTURAL RESOURCES			S. Committee on EDUCATION & CULTURAL RESOURCES		
Hearing Date(s)	2/4	X C	Hearing Date(s)	3/11	X C
Exec. Action	2/4	X C	Exec. Action	3/23	X C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

There was a free conference committee report, but no minutes were recorded.

House BILL NO. 428

INTRODUCED BY Ellison Eudaily Bartlett Daily

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OF TERRITORY OF SUCH DISTRICTS; AMENDING SECTIONS 20-6-304, 20-6-311, 20-6-402, AND 20-6-403, MCA; REPEALING SECTIONS 20-6-302, 20-6-305, AND 20-6-306, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Time limitations for boundary changes. No high school district may be created and no high school district boundary may be changed between the first day of March and the second Monday of August of any calendar year except when:

(1) the entire territory of a high school district is annexed or attached to another high school district;

(2) the entire territory or portion of a joint high school district located in one county is annexed or attached to another high school district; or

(3) two or more districts are consolidated in their entirety.

NEW SECTION. Section 2. District consolidation. Any two or more high school districts in one county may

LC 0694/01

consolidate to organize a high school district. The consolidation must be conducted under the following procedure:

(1) At the time the consolidation proposition is first considered, the districts involved shall jointly determine whether the consolidation is to be made with or without the mutual assumption of the bonded indebtedness of each district by all districts included in the consolidation proposition.

(2) A consolidation proposition may be introduced, individually, in each of the districts by either of the following methods:

(a) the trustees may pass a resolution requesting the county superintendent to order an election to consider a consolidation proposition involving their district; or

(b) not less than 20% of the electors of a high school district who are qualified to vote under the provisions of 20-20-301 may petition the county superintendent requesting an election to consider a consolidation proposition involving their district.

(3) When the county superintendent receives a resolution or a valid petition from each of the districts included in the consolidation proposition, he shall, within 10 days after the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each

high school district included in the consolidation proposition to call a consolidation election.

(4) (a) Each district, individually, shall call and conduct an election in the manner prescribed in this title for school elections.

(b) In addition:

(i) if the districts to be consolidated are to mutually assume the bonded indebtedness of each district involved in the consolidation, the consolidation election must also follow the procedures prescribed in [section 5]; or

(ii) if the districts to be consolidated are not to mutually assume the bonded indebtedness of each district involved in the consolidation, the consolidation election must also follow the procedures prescribed in 20-6-207.

(5) After the county superintendent receives the election certificate provided for in 20-20-416 from the trustees of each district included in a consolidation proposition, he shall determine if the consolidation proposition has been approved in each district. If each district has approved the consolidation proposition, he shall, within 10 days after the receipt of the election certificate, order the consolidation of such districts. If the order is for consolidation with the mutual assumption of bonded indebtedness of each high school district by all

districts included in the consolidation order, the order shall specify that all taxable real and personal property of the consolidated district shall assume the bonded indebtedness of each district. In addition, the order shall specify the number of the consolidated high school district. The superintendent shall send a copy of the order to the board of county commissioners and to the trustees of each district incorporated in the consolidation order.

(6) If any district included in the consolidation proposition disapproves the consolidation proposition, the consolidation of all districts fails and the county superintendent shall notify each district of the disapproval of the consolidation proposition.

NEW SECTION. Section 3. Conditions for high school district annexation. (1) A high school district may be annexed to another high school district located in the same county when:

(a) a third-class district is annexed to a first-class district or a second-class district; or

(b) a second-class district is annexed to a first-class district.

(2) The annexation of high school districts must be conducted under the provisions of [section 4].

NEW SECTION. Section 4. High school district annexation procedure. A high school district may be annexed

to another high school district located in the same county when one of the conditions of [section 3] is met in accordance with the following procedure:

(1) At the time the annexation proposition is first considered, the districts involved shall jointly determine whether the annexation is to be made with or without the joint assumption of the bonded indebtedness of the annexing district by the district to be annexed and the annexing district.

(2) An annexation proposition may be introduced in the district to be annexed by either of the following methods:

(a) the trustees may pass a resolution requesting the county superintendent to order an election to consider an annexation proposition for their district; or

(b) not less than 20% of the electors of the district who are qualified to vote under the provisions of 20-20-302 may petition the county superintendent requesting an election to consider an annexation proposition for their district.

(3) Before ordering an election on the proposition, the county superintendent must receive from the trustees of the annexing district a resolution giving him the authority to annex such district.

(4) When the county superintendent receives authorization from the annexing district, he shall, within

10 days after the receipt of the resolution or a valid petition from the district to be annexed and as provided by 20-20-201, order the trustees of the district to be annexed to call an annexation election.

(5) (a) The district shall call and conduct an election in the manner prescribed in this title for school elections.

(b) In addition:

(i) if the district to be annexed is to jointly assume with the annexing district the bonded indebtedness of the annexing district, the annexation election must also follow the procedures prescribed in [section 5]; or

(ii) if the district to be annexed is not to jointly assume with the annexing district the bonded indebtedness of the annexing district, the annexation election must also follow the procedures prescribed in [section 6].

(6) After the county superintendent receives the election certificate provided for in 20-20-416 from the trustees of the district conducting the annexation election and if the annexation proposition has been approved by such election, he shall order the annexation of the territory of the high school district voting on such proposition to the high school district that has authorized the annexation to its territory. The order must be issued within 10 days after the receipt of the election certificate and, if it is for

annexation with the assumption of bonded indebtedness, must specify that all the taxable real and personal property of the annexed territory shall jointly assume with the annexing district the existing bonded indebtedness of the annexing district. The county superintendent shall send a copy of the order to the board of county commissioners and to the trustees of the districts involved in the annexation order.

(7) If the annexation proposition is disapproved in the district to be annexed, it fails and the county superintendent shall notify each district of the disapproval of the annexation proposition.

NEW SECTION. Section 5. Consolidation or annexation election with assumption of bonded indebtedness. A consolidation election involving the mutual assumption of bonded indebtedness by the high school districts to be consolidated as prescribed in [section 2] or an annexation election involving the joint assumption of bonded indebtedness by the high school districts to be annexed as prescribed in [section 4] must comply with the following procedures in addition to those prescribed by this title for other school elections:

(1) In a consolidation election the ballots must read, after stating the consolidation proposition, "FOR consolidation with assumption of bonded indebtedness" and "AGAINST consolidation with assumption of bonded

indebtedness".

(2) In an annexation election the ballots must read, after stating the annexation proposition, "FOR annexation with assumption of bonded indebtedness" and "AGAINST annexation with assumption of bonded indebtedness".

(3) Any elector qualified to vote under the provisions of 20-20-301 may vote.

(4) When the trustees in each high school district conducting an election canvass the vote under the provisions of 20-20-415, they shall decide according to the following procedure if the proposition has been approved:

(a) determine if a sufficient number of the qualified electors of the district voted to validate the election and voted to approve the election proposition in the manner required for bond elections by 20-9-428; and

(b) if the proposition is approved under subsection (4)(a), determine the number of votes "FOR" and "AGAINST" the proposition.

(5) If the proposition is disapproved under the provisions of subsection (4)(a), the proposition is disapproved in the district.

NEW SECTION. Section 6. Consolidation or annexation election without assumption of bonded indebtedness. (1) A consolidation election without the assumption of bonded indebtedness by the high school districts to be consolidated

as prescribed in [section 2] or an annexation election without the joint assumption of bonded indebtedness by the high school district to be annexed as prescribed in [section 4] must be conducted in the manner prescribed by this title for school elections. Any elector qualified to vote under the provisions of 20-20-302 may vote at the election.

(2) In a consolidation election the ballots must read, after stating the consolidation proposition, "FOR consolidation without assumption of bonded indebtedness" and "AGAINST consolidation without assumption of bonded indebtedness". The consolidation proposition is approved by a district if a majority of those voting in a district approve the proposition; otherwise, it is disapproved.

(3) In an annexation election the ballots must read, after stating the annexation proposition, "FOR annexation without assumption of bonded indebtedness" and "AGAINST annexation without assumption of bonded indebtedness". The annexation proposition is approved by a district if a majority of those voting approve the proposition; otherwise, it is disapproved.

NEW SECTION. Section 7. Transfer of territory from one high school district to another. (1) A majority of electors of any high school district who are qualified to vote under the provisions of 20-20-301 and who reside in territory that is a part of a high school district may

petition the county superintendent to transfer such territory to another high school district if:

(a) the territory adjoins the district to which it is to be attached;

(b) the territory is not located within 3 miles, over the shortest practical route, of an operating school of the district from which it is to be detached;

(c) the transfer of such territory will not reduce the taxable value of the district to less than $300,000 unless the remaining territory of the district contains not less than 50,000 acres of nontaxable Indian land; and

(d) the board of trustees of the school district that would receive the territory has approved the transfer.

(2) The petition must be addressed to the county superintendent and shall:

(a) describe the territory that is requested to be transferred and to what district it is to be transferred;

(b) state the reasons why such transfer is requested; and

(c) state the number of high-school-age children residing in such territory.

(3) On receipt of a valid petition for a territory transfer, the county superintendent shall:

(a) file the petition;

(b) set a hearing place, date, and time for

consideration of the petition that is not more than 40 days after receipt of the petition; and

(c) give notice of the place, date, and time of the hearing. The notices must be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one notice posted in the territory to be transferred.

(4) The county superintendent shall conduct the hearing as scheduled, and any resident or taxpayer of either affected district must be heard. If the county superintendent considers it advisable and in the best interests of the residents of the territory, he shall grant the petitioned request and order the change of district boundaries to coincide with the boundary description in the petition. Otherwise, he shall by order deny the request. Either of the orders shall be final 20 days after its date unless it is appealed to the superintendent of public instruction by a resident of either district affected by the territory transfer. The decision of the superintendent of public instruction, after consideration of the material presented at the county superintendent's hearing, is final 30 days after its date.

(5) If a petition to transfer territory from one high school district to another high school district would create a joint high school district or affect the boundary of any

existing joint high school district, the petition must be presented to the county superintendent of the county where the territory is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly by such county officials.

Section 8. Section 20-6-304, MCA, is amended to read:

"20-6-304. High school boundary commission -- procedure for ~~boundary change~~ division ~~or redivision~~ of county into high school districts. (1) Each county of the state of Montana shall have a high school boundary commission consisting of the board of county commissioners and the county superintendent. Whenever a county superintendent receives a resolution from the trustees of any high school district requesting ~~a boundary change or a request~~ the commission to divide ~~or redivide~~ the county into high school districts, he shall immediately notify the high school boundary commission. Such commission shall set a time, date, and place for a public hearing on the request. The hearing shall be set for a date within 60 days after the receipt of the request, and any interested person may appear and be heard on such request. The county superintendent shall send a written notice of the public hearing on a requested ~~boundary change~~ division ~~or redivision~~ to the

trustees of each elementary ~~and high school~~ district of the county which has territory that would be affected by the change. The county superintendent shall also give notice of such public hearing in accordance with the requirement for school election notices prescribed by school election provisions of this title. The certificate of the county superintendent filed with the high school boundary commission reciting that such notice requirements have been satisfied shall be conclusive.

(2) In considering a request ~~to change high school district boundaries or~~ to divide ~~or redivide~~ the county into high school districts, the high school boundary commission shall give primary consideration to the convenience of the high school pupils of the territory under consideration. Such commission also shall consider the grouping of elementary districts to be encompassed by a high school district or districts and shall group contiguous elementary districts within a high school district unless obstacles of travel, such as mountains, rivers, impractical routes of travel, or distance, make such grouping impractical. After the hearing, the high school boundary commission ~~may grant or deny any request made under the provisions of 20-6-302 for a high school district boundary change but~~ shall order the division of the county into high school districts whenever requested under the provisions of 20-6-303. ~~In the~~

~~latter case the~~ The commission's discretion shall extend only to the establishing of boundaries for the newly created high school district or districts."

Section 9. Section 20-6-311, MCA, is amended to read:

"20-6-311. High school district boundary approval by superintendent. Whenever a high school boundary commission orders ~~changes in high school district boundaries or~~ a division ~~or redivision~~ of the county into high school districts under ~~the provisions of this title~~ 20-6-304, its order shall not be final until it has been approved by the superintendent of public instruction. The superintendent of public instruction shall not approve any high school boundary commission order that:

(1) is dated less than 1 year since the last high school boundary commission order was approved for such county; or

(2) has not been confirmed by the high school boundary commission of each county affected by the boundary change when it involves a joint high school district; ~~or~~

~~(3) does not provide for the high school district boundaries approved by the electors of an elementary district under the provisions of 20-6-305 or 20-6-306.~~"

Section 10. Section 20-6-402, MCA, is amended to read:

"20-6-402. Voluntary consolidation and annexation incentive plan. Sections 20-6-401 through 20-6-408 shall be

known as the voluntary consolidation and annexation incentive plan. The purpose of this plan is to provide additional financial assistance to school districts that consolidate or annex under the provisions of 20-6-203, 20-6-205, or 20-6-208 for elementary school districts or ~~20-6-304~~ [section 2] or [section 4] for high school districts."

Section 11. Section 20-6-403, MCA, is amended to read:

"20-6-403. Application for bonus payment. Whenever two or more elementary school districts consolidate or annex under the provisions of 20-6-203, 20-6-205, or 20-6-208 or two or more high school districts consolidate or annex under the provisions of ~~20-6-304~~ [section 2] or [section 4], the enlarged district may make application for the bonus payment as provided herein if such consolidation or annexation shall result in the dissolution of at least one elementary or high school district. Application for the bonus payments must be made during the school year of the order creating the enlarged school district."

NEW SECTION. Section 12. Repealer. Sections 20-6-302, 20-6-305, and 20-6-306, MCA, are repealed.

NEW SECTION. Section 13. Codification instruction. Sections 1 through 7 are intended to be codified as an integral part of Title 20, chapter 6, part 3, and the provisions of Title 20 apply to sections 1 through 7.

-End-

RETURNED TO HOUSE: 3/28/83

TRANSMITTED TO GOVERNOR: 04/01/83
RETURNED WITH AMENDMENTS: 04/06/83

HOUSE
2ND READING: 04/07/83, ADOPTED AYES: 89; NAYS: 0
3RD READING: 04/08/83, ADOPTED AYES: 95; NAYS: 0

SENATE
2ND READING: 04/20/83 AYES: 50; NAYS: 0
3RD READING: 04/21/83 AYES: 47; NAYS: 1

RETURNED TO HOUSE: 04/21/83

TRANSMITTED TO GOVERNOR: 4/21/83
SIGNED: 4/30/83, CHAPTER 697

HB 427 -- HOLLIDAY -- TRANSFERRING THE RESPONSIBILITY FOR CONTROL OF STATE GOVERNMENT DATA PROCESSING FROM THE BUDGET DIRECTOR TO THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION; FURTHER DEFINING THE DEPARTMENT DIRECTOR'S RESPONSIBILITIES; CREATING A DATA PROCESSING ADVISORY COUNCIL; AMENDING ...
BY REQUEST OF: THE OFFICE OF BUDGET AND PROGRAM PLANNING

INTRODUCED: 01/20/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/20/83
HEARING: 2/1/83
REPORT: 02/02/83, DO PASS, AS AMENDED
2ND READING: 02/04/83, DO PASS AYES: 90; NAYS: 4
3RD READING: 02/07/83, DO PASS AYES: 85; NAYS: 2

TRANSMITTED TO SENATE: 2/7/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/08/83
HEARING: 3/10/83
REPORT: 03/12/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/16/83 AYES: 48; NAYS: 0
3RD READING: 03/18/83 AYES: 49; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 03/18/83
2ND READING: 03/31/83, BE CONCURRED IN AYES: 84; NAYS: 0
3RD READING: 04/01/83, BE CONCURRED IN AYES: 84; NAYS: 1

TRANSMITTED TO GOVERNOR: 04/11/83
SIGNED: 04/14/83, CHAPTER 486

HB 428 -- ELLISON, EUDAILY, BERTELSEN, ET AL. -- TO GENERALLY REVISE THE PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OR TERRITORY OF SUCH DISTRICTS; AMENDING ... AND REPEALING ...

INTRODUCED: 01/20/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 01/20/83
HEARING: 2/4/83
REPORT: 02/05/83, DO PASS, AS AMENDED
2ND READING: 02/08/83, DO PASS AYES: 96; NAYS: 0
3RD READING: 02/10/83, DO PASS AYES: 97; NAYS: 1

TRANSMITTED TO SENATE: 2/10/83

REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 02/11/83
HEARING: 3/11/83
REPORT: 3/23/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/24/83 AYES: 49; NAYS: 0
3RD READING: 03/28/83 AYES: 47; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 3/28/83
2ND READING: 04/01/83, BE CONCURRED IN AYES: 76; NAYS: 1
2ND READING: 04/04/83, BE NOT CONCURRED IN AYES: 85; NAYS: 0

FREE CONFERENCE COMMITTEE APPOINTED: 04/04/83

FREE CONFERENCE COMMITTEE REPORT: 4/12/83

HOUSE
2ND READING: 04/13/83, ADOPTED AYES: 91; NAYS: 1
3RD READING: 04/14/83, ADOPTED AYES: 93; NAYS: 1

SENATE
2ND READING: 04/15/83, BE ADOPTED AYES: 49; NAYS: 0
3RD READING: 04/16/83, BE ADOPTED AYES: 47; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/21/83
SIGNED: 4/25/83, CHAPTER 617

HB 429 -- HANNAH, ADDY -- TO ALLOW CITIES AND TOWNS TO INCREASE THE PENAL DISCHARGING FIREARMS WITHIN THE LIMITS OF A CITY OR TOWN ....

INTRODUCED: 01/21/83
REFERRED TO COMMITTEE ON JUDICIARY: 01/21/83
HEARING: 2/2/83
REPORT: 02/03/83, DO PASS
2ND READING: 02/05/83, DO PASS AYES: 75; NAYS: 18
3RD READING: 02/08/83, DO PASS AYES: 77; NAYS: 22

TRANSMITTED TO SENATE: 2/8/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/09/83
HEARING: 3/11/83
REPORT: 03/12/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/15/83 AYES: 49; NAYS: 0
3RD READING: 03/17/83 AYES: 45; NAYS: 3

RETURNED TO HOUSE WITH AMENDMENTS: 03/17/83
2ND READING: 03/31/83, BE NOT CONCURRED IN

CONFERENCE COMMITTEE APPOINTED: 03/31/83
CONFERENCE COMMITTEE DISSOLVED: 4/14/83

2ND READING: 04/15/83, BE CONCURRED IN AYES: 78; NAYS: 5
3RD READING: 04/15/83, BE CONCURRED IN AYES: 91; NAYS: 5

TRANSMITTED TO GOVERNOR: 04/20/83
SIGNED: 4/25/83, CHAPTER 618

HB 430 -- HANNAH, KITSELMAN -- TO INCREASE THE PENALTIES FOR VIOLATION RELATING TO MOTOR VEHICLE REGISTRATION, OPERATION, AND ACCIDENT REPORTS; AMEND

HOUSE EDUCATION COMMITTEE

February 4, 1983

The meeting was called to order by Chairman Fritz Daily in room 420 of the Capitol Building at 12:30 p.m., with all members present.

Chairman Daily opened the meeting to a hearing on House Bills: 428, 461, 499, and 519.

HOUSE BILL 461

REPRESENTATIVE TOM ASAY, District 50, Forsyth, opened by saying the primary intent of this bill is to put it in conformity with federal definitions and to keep from confusing the issues. I will turn the presentation over to an expert, Dal Cury.

DAL CURRY Office of Public Instruction, said House Bill 461 is an attempt to bring the Montana Statute in line with the current Montana Special Education federal definition. We are trying to accomplish three things. One is to add two handicap conditions to the list. These conditions are deaf/blind, and multi-handicapped. This has been in practice for years, and it is a matter of bringing the law into conformity with practice. The condition of autism has been moved to the category of other health impairment. We recommend in this bill, similar movement to make it consistent with federal language. It is no longer considered a condition of emotional disturbance. Change the definition of special education by deleting terminology and making another section called related services. We are suggesting this to conform with the regulation and to clarify what is mandatory in educational services, and what are related services provided to assist a child in special education.

JENNIFER HARVEY, Montana Coalition of Handicapped Individuals, said this bill does meet federal regulations. We are wondering who is responsible for comprehensive evaluation. Once the student maintains capability where he is equal with his peers, what is the provision for mainstreaming him back into the regular educational process?

JENNIFER FENCHALL, Handicapped Student Union, University of Montana, said the bill is designed in a manner to allow all citizens to receive the training and education necessary to allow them to compete in society. We agree with allowing deaf and blind to be included. We are concerned with the wording on page 2, line 24, and we request to have a clarification added, indicating who would give the comprehensive evaluation which would identify an emotionally disturbed individual.

Chairman Daily closed the hearing on House Bill 461 at 1:00 p.m.

HOUSE BILL 428

REPRESENTATIVE ORVAL ELLISON, District 73, McLeod, said the amendments to this bill deal with one section which was inadvertently left out. This section deals with the consolidation of high school districts within two or more counties. This is a simple, straight forward bill to address the consolidation of high school districts, to coincide with the way elementary districts are consolidated or annexed.

PROPONENTS

BOB STOCKTON, Office of Public Instruction, said last year, Superintendent Argenbright appointed a rural education committee. The content of this bill is one of their strongest recommendations. They disliked the way high school boundaries were established. This puts the decision back into the hands of the electorate, and parallels the elementary provisions. The amendment is an inadvertent one. We got all the language in and didn't realize that the specific section of law that allows joining districts across county lines was left out. This makes it possible to form joint districts across county lines.

There were no opponents to House Bill 428.

Rep. Ellison closed by saying this is a more democratic way to set boundries that are across county lines.

Questions from committee. Rep. Peck said currently, if you are planning to redistrict, where is this decision made? Mr. Stockton replied it goes to what is called the high school boundry commission, which is composed of the county commissioners and the county superintendent of schools. Under the old law, the only way that you can even petition that committee into being is by the other group of high school trustees, then the committee comes together and they can redesign the whole county.

Chairman Daily closed the hearing on House Bill 428 at 1:10 p.m.

HOUSE BILL 499

REPRESENTATIVE ORVAL ELLISON, District 73, McLeod, submitted written copies of his testimony to committee members. (see exhibit 1)

PROPONENTS

RICK BARTOS, Office of Public Instruction, said the whole legal issue is a problem for the State of Montana. About the only way

Rep. Eudaily asked Mr. Campbell what else is included in the fund. The response was money that is received for special projects, such as the Title 1 program. Within that fund, each program is segregated.

Rep. Eudaily asked what the difficulty would be in running it through the emergency budget. Mr. Campbell answered we were told by OPI that we didn't have to go through the emergency budget process. How sensible is it to make a school district with a 10 million dollar budget go through the emergency budgeting process in order to spend $12,500.

Mr. Stockton commented when the contingency fund moneys were first established by the legislature, they made no provision for how they would be handled by a school district. The law does specify that any special education moneys that have been approved and sent to the school district become maximum budget without a vote. The budget of the school district is maximum budget without a vote plus the voted levy. So we took the interpretation because the expenditures of these moneys had been approved by the office special education people for a specific purpose, to get it into their hands as quickly as possible.

Chairman Daily closed the meeting at 1:40 p.m.

EXECUTIVE SESSION

HOUSE BILL 428

Rep. Eudaily moved House Bill 428, DO PASS.

Rep Eudaily moved the amendments to House Bill 428, DO PASS, the motion carried unanimously. (see exhibit 3)

Rep. Eudaily moved House Bill 428, DO PASS as amended, the motion carried unanimously.

HOUSE BILL 422

Rep. Peck moved House Bill 422, DO PASS, the motion carried unanimously.

HOUSE BILL 519

REP. Peck moved House Bill 519 DO PASS, the motion carried unanimously.

HOUSE BILL 310

Rep. Kitselman moved to table House Bill 310, the motion carried unanimously.

Exhibit 3

AMENDMENTS TO HB 428 INTRODUCED COPY

Title, line 9
Following "20-6-305,"
Strike "and"
Following "20-6-306,"
Insert "and 20-6-310,"

Page 9
Following: line 20
Insert: "New Section: Section 7.

HIGH SCHOOL DISTRICT CONSOLIDATION OF DISTRICTS IN TWO OR MORE COUNTIES TO ORGANIZE JOINT HIGH SCHOOL DISTRICT. Any two or more high school districts located in more than one county and whose territory is contiguous may consolidate to organize a joint high school district. When a joint district consolidation. When a joint district consolidation proposition is to be introduced and considered in two or more districts, the consolidation procedure for high school district consolidation without the assumption of bonded indebtedness prescribed in (Section 2) and (Section 6) shall be used except that each district shall submit its resolution or petition and its election certificate to the County Superintendents of its resident county, and the several County Superintendents shall jointly perform the duties prescribed for the County Superintendent in (Section 2)."

Renumber: All subsequent sections

STANDING COMMITTEE REPORT

February 4, 19 83

MR. SPEAKER:

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 428

first reading copy (white color)

"AN ACT TO GENERALLY REVISE THE PROCEDURES FOR CHANGING HIGH SCHOOL DISTRICT BOUNDARIES THROUGH ANNEXATION, CONSOLIDATION, OR TRANSFER OF TERRITORY OF SUCH DISTRICTS; AMENDING SECTIONS 20-6-304, 20-6-311, 20-6-402, AND 20-6-403, MCA; REPEALING SECTIONS 20-6-302, 20-6-305, AND 20-6-306, MCA."

Respectfully report as follows: That HOUSE Bill No. 428 be amended as follows:

1. Title, line 9.
Following: "20-6-305,"
Strike: "AND"
Following: "20-6-306,"
Insert "and 20-6-310,"

2. Page 5, line 16.
Following: "of"
Strike: "20-20-302"
Insert: "20-20-301"

XXXXXX
DO PASS

FRITZ DAILY, Chairman.

COMMITTEE SECRETARY

STATE PUB. CO.
Helena, Mont.

HOUSE BILL 423 February 4, 93

19

3. Page 9, line 6.
Following: "of"
Strike: "20-20-302"
Insert: "20-20-301"

4. Page 12.
Following: line 7
Insert: "NEW SECTION Section 8. High school district consolidation of districts in two or more counties. Any two or more high school districts located in two or more counties and whose territory is contiguous may consolidate to organize a joint high school district. Whenever a joint district consolidation is considered by two or more districts, the procedure for consolidation with the assumption of bonded indebtedness prescribed in [section 2] and [section 6] must be used, except that each district shall submit its resolution or petition and its election certificate to the county superintendent of its resident county and the several county superintendents shall jointly perform the duties prescribed for the county superintendent in [section 2]."
Renumber: subsequent sections

5. Page 15, line 21.
Following: "20-6-305,"
Strike: "and"
Following: "20-6-306,"
Insert: "and 20-6-310,"

6. Page 15, line 23.
Strike: "7"
Insert: "8"

7. Page 15, line 25.
Strike: "7"
Insert: "8"

AND AS AMENDED
DO PASS

FRITZ DAILY, Chairman.

STATE PUB. CO.
Helena, Mont.

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 11, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on March 11, 1983, at 1:00 p.m. in Room 402, State Capitol.

ROLL CALL: All committee members were present except Senators Smith and Gage who were absent.

Todd Fuller and Scott Blackman, students from Cascade High School and members of the FFA Chapter, spoke to the committee about their Supervised Occupational Experience Programs. Todd has been involved in managing a lawn and garden service and Scott in sheep production (exhibits #1 and #2). The committee was very impressed with the young men's accomplishments and wished them good luck in their future endeavors.

HOUSE BILL 196: Representative Peck, District 8, sponsor of the bill, said the bill enables the Board of Public Education to adopt policies regarding gifted and talented programs. He noted rules were originally going to be adopted governing gifted and talented programs but because of 1) the expense, and 2) the Board had adopted policies governing special education already, the bill was submitted in this form with an effective date of July 1, 1984.

PROPONENTS

Julie Adams, a student from Cascade High School, presented her testimony in support of the bill (exhibit #3).

Hidde Van Duym, Executive Secretary, Board of Public Education, submitted his testimony in support of the bill (exhibit #4).

Chip Erdmann, representing the Montana School Boards Association, urged support of the bill.

OPPONENTS

Nancy Lukinbill, representing the Office of Public Instruction, submitted her testimony in opposition to the bill (exhibit #5).

Sue Hanson, School District #5, Kalispell, submitted her testimony in opposition to the bill (exhibit #6).

ACTION ON HOUSE BILL 315: Senator Severson moved House Bill 315 BE CONCURRED IN. The motion carried unanimously with Senators Smith and Gage absent.

HOUSE BILL 428: Representative Ellison, District 73, sponsor of the bill, said the bill simply allows secondary districts to change their boundaries in the same manner as elementary districts.

PROPONENTS

Bob Stockton, Office of Public Instruction, said OPI requested the bill. He said, at present, county commissioners have sole control of high school district boundaries.

Wayne Buchanen, Montana School Boards Association, urged support of the bill.

Pat Conroy, Superintendent of Schools, Browning, asked that the bill be amended so that the appeals section is uniform.

OPPONENTS

Richard Trerise, Montana County Superintendents, said he had a concern re the appeal procedure, also. He said he would not oppose the bill if that section were clarified.

There were no further opponents. Bob Stockton, OPI stated a section was inadvertantly left out which includes the appeal procedures which are of concern. He said he would provide that information to the committee.

Representative Ellison closed.

EXECUTIVE SESSION

ACTION ON HOUSE BILL 746: Senator Elliott moved to amend page 3, line 8 with the Lannon amendment. The motion carried with Senators McCallum, Gage, and Smith absent.

Senator Severson asked to have amendments drawn which would set elections at the general election.

ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 3/11/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Bob Brown, Chairman	X		
Senator Ed Smith, V. Chairman		X	
Senator Roger Elliott	X		
Senator Delwyn Gage		X	
Senator George McCallum	X		
Senator Elmer Severson	X		
Senator Harry Berg	X		
Senator Chet Blaylock	X		
Senator Jack Haffey	X		
Senator Joseph Mazurek	X		

TO: The Senate Committee on Education and Cultural Resources

FROM: Lee Heiman, Committee Counsel

DATE: March 11, 1983

RE: Summaries of House Bills 196, 239, 315, 428, and 746

House Bill 196 (Peck). Provides that policy direction on programs for gifted and talented children originate with the Board of Public Education and be administered by the Superintendent of Public Instruction.

House Bill 239 (Hemstad). Provides that distribution of forest reserve money by the State Treasurer need not be made to counties until the State Treasurer has received the entire amount.

House Bill 315 (Wallin). Provides that a municipality or county with a building code is included with the Department of Administration, as an entity that may approve plans and specifications for building, enlarging, or remodelling a school. Requires conformity with a building code rather than rules of the Department of Administration.

House Bill 428 (Ellison). Establishes new provisions for consolidation and annexation for high school districts. Involves an election, determination of jointly assuming bonded indebtedness, and time restrictions unless a total district is involved. Provices for cross county boundary consolidation to become a joint district. Provides annexation of smaller districts to a larger district. Repealed sections are attached.

House Bill 746 (Darko). Provides for establishing, after an election, community college service regions that comprise a local government unit or school district that is not within a community college district. Provides for the service to be provided to the region by the community college and for funding such services. Bill also changes annexation to a community college district by requiring the annexed school district area to be in a county contiguous with the community college district. Allows some discretion in the community college district trustees regarding the annexation.

Repealed By HB 428

20-6-302. Methods of changing high school district boundaries. (1) The trustees of any high school district, except the trustees of a high school located in a county which has not been divided into high school districts or become a high school district by county high school unification, may request a change of the high school boundaries of their district or county as provided by this section.

(2) Whenever the trustees of a high school district shall pass a resolution requesting the change of their district's boundary or the redivision of the county into high school districts, they shall send such resolution to the county superintendent. When the trustees request a boundary change of their district or a redivision of the county into high school districts, they shall describe the requested boundary change or redivision and give the reasons therefor. A requested boundary change of a district shall conform to one of the following types:

(a) consolidation of high school districts shall be the merging of two or more high school districts to form a single high school district;

(b) annexation shall be the attachment of all the territory of a high school district to another high school district or districts;

(c) transfer of territory shall be the detachment of territory from a high school district and the attachment of such territory to another high school district or districts; or

(d) creation of a new high school district shall be the formation of a new high school district from the territory presently incorporated in the requesting high school district.

(3) Whenever the trustees of any high school district request a boundary change or a redivision that would create a joint high school district or in any way affect the boundary of an existing joint high school district, they shall send the boundary change resolution to the county superintendent of each county that would be affected by such boundary change.

History: En. 75-6519 by Sec. 178, Ch. 5, L. 1971; R.C.M. 1947, 75-6519.

20-6-305. Approval of high school district boundary when elementary district territory divided by commission. If the order of a high school boundary commission would divide the territory of any elementary district between two or more high school districts or would divide the territory of a joint elementary district which is located within the county between high school districts, the county superintendent shall, under the provisions of 20-20-201, order the trustees of such elementary district to call an election. The election shall be called and conducted in the manner prescribed in this title for school elections. An elector who may vote on the proposition shall be qualified under the provisions of 20-20-301. If the election is required because of the division of the territory of a joint elementary district located in the county, the electors shall be residents of such territory. If a majority of the electors voting at such election approve the division of the elementary district or the county's territory in a joint elementary district, the order of the high school boundary commission shall be approved. If a majority of the electors voting at such election do not approve such division, the high school boundary commission shall reconsider its action and shall establish different high school boundary lines, subject to the same limitations herein described.

History: En. 75-6522 by Sec. 181, Ch. 5, L. 1971; R.C.M. 1947, 75-6522.

20-6-306. Counterproposed high school district boundaries by electors and election. (1) Whenever a high school boundary commission issues an order to change high school district boundary lines, 20% or more of the electors of any elementary district with territory affected by the high school boundary change who are qualified to vote under 20-20-301 may protest the boundaries established by the order of the commission within 30 days after the date of the order. The protest shall be in the form of a petition addressed to the county superintendent and shall provide a

20-6-306-Cont

counterproposition to the new high school boundaries established by the order of the commission for the disposition of the territory of the elementary district for high school districting purposes. The provisions of this section shall not be used in elementary districts that have approved high school boundaries under 20-6-305.

(2) When the county superintendent receives a valid petition from an elementary district, he shall, within 10 days after the receipt of the petition, order the trustees of the elementary district to call an election to consider the high school boundary counterproposition described in the petition. The trustees shall call and conduct the election in the manner prescribed in this title for school elections. An elector who may vote on the proposition shall be qualified to vote under 20-20-301. If a majority of the electors voting at the election approve the counterproposition, the high school boundaries described by the counterproposition shall be approved and the order of the high school boundary commission shall be amended to establish such high school boundaries. If a majority of the electors voting at the election disapprove the counterproposition, the order of the high school boundary commission shall be confirmed and shall be final.

History: En. 75-6523 by Sec. 182, Ch. 5, L. 1971; amd. Sec. 12, Ch. 266, L. 1977; R.C.M. 1947, 75-6523.

20-6-310. Consolidation of high school districts by county commissioners. The board of county commissioners of any county shall have the authority to consolidate any two or more high school districts of the county whenever it appears to them that it would be for the best interest of the pupils and other residents of the districts and the county. The board of county commissioners shall have complete responsibility and authority to determine all questions involved in effecting the consolidation of the high school districts, except that before it shall become effective any such boundary change shall be approved by the superintendent of public instruction.

History: En. 75-6527 by Sec. 186, Ch. 5, L. 1971; R.C.M. 1947, 75-6527.

DATE March 11, 1993

COMMITTEE ON Education & Cultural Resources

HB 196, 746, 315, 239, 428

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Bill Lannan	Mont Univ System	746	✓	
Don KETTNER	DAWSON Com College	746	✓	
W James Kembel	Dept of Admin	315	Information	
Josophie ISAAK	State Auditor	239	✓	
Sue Hanson	School Dist #5 Kalispell	196		✓
Gretta Simons	" " " "	196		✓
Janet Phillips	" "	196		✓
Julie Ackamo	myself	196	✓	
Don Gatzke	Flathead Valley Community College	746	✓	
Kathleen D Walker	Trustee Flathead Valley CC	746	✓	
Leonard Bonderud	self			
Todd Fuller	Cascade FFA Chapter			
Scott Blackman	Cascade FFA Chapter			
Duane A. Gebhardt	Cascade High School			
Sandra D. Magnus	Governmental Affairs Committee	746	✓	
Todd VanDyken	Board of Public Ed	196		
Richard Parrish	MACSS	428		✓
Garrett C Kelly	Dawson, Prairie Ed.	196	✓	
Pat Conroy	School Dist #9, Browning	428		✓ in part
Wayne Buchanan	MSBA	428		✓
Chip Erdmann	MSBA	HB 315	✓	
Grant Gallup	Browning School Dist #9	HB 428		✓
Bryan Gallup	SELF	HB 428		✓
Janene Brown	Community College Research Coun Libby Area Chamber of Commerce	HB 746	✓	
JOHN KOCH	MILES COMMUNITY COLLEGE	HB 746	✓	

(Please leave prepared statement with Secretary)

(This sheet be used by those testifying on a bill.)

NAME: Pat Conroy DATE: 3-11-83

ADDRESS: Box 610, Browning

PHONE: 338-2215

REPRESENTING WHOM? School Dist #9

APPEARING ON WHICH PROPOSAL: HB 428

DO YOU: SUPPORT? _____ AMEND? ✓ OPPOSE? _____

COMMENT: Local control concerning transfer of territory

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet be used by those testifying on a bill.)

NAME: Richard Trevisa DATE: 3-11

ADDRESS: Helena

PHONE:

REPRESENTING WHOM? MACSS

APPEARING ON WHICH PROPOSAL: HB 428

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? V

COMMENT: Local Control

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MINUTES OF THE MEETING
EDUCATION AND CULUTRAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 23, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on March 23, 1983, at 12:36 p.m. in Room 402, State Capitol.

ROLL CALL: All committee members were present.

HOUSE BILL 176: Representative Fabrega, District 44, sponsor of the bill, said, as amended in the House the bill only changes the title of "professional assistant" to that of "executive secretary". The provision for staff increase was not funded and therefore is only a token gesture.

PROPONENTS

Hidde Van Duym, Executive Secretary of the Board of Public Education, submitted his written testimony in support of the bill to the committee (attachment #1).

ACTION ON HOUSE BILL 176: Senator Berg moved House Bill 176 BE CONCURRED IN. The motion carried unanimously with Senators Elliott and Severson absent.

EXECUTIVE SESSION

ACTION ON HOUSE BILL 809: Senator McCallum stated the subcommittee reviewed the bill and had no changes to offer. Senator Mazurek noted the Audit Committee discussed the bill again and noted this is state money and by letting the counties keep it there is the possibility of some county officials facing malfeasance charges.

Senator McCallum moved House Bill 809 BE NOT CONCURRED IN. The motion carried on a roll call vote with Senators Berg, Blaylock, Haffey, and Mazurek voting no.

Senator Brown introduced two students from Plains High School who spoke to the committee. Cori Cavill said she is the student body Vice-President and also serves as a non-voting

member of the School Board. She said the student participation on the School Board has just recently been added and on a trial run basis seems to be working out quite well.

Brian Helterline works with the computer program at Plains. He said Plains High School computer program was one of four selected nationwide by the Best program at the University of Washington to be filmed and documented as a model system. Brian has been very active in programming administrative programs for the school.

ACTION ON HOUSE BILL 428: Senator Blaylock moved the amendments as per the attached committee report (exhibit #2). The motion carried unanimously.

Senator Blaylock moved House Bill 428 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 591: Senator Haffey moved the amendment as per the attached committee report (exhibit #3). The motion carried on a roll call vote with Senators Elliott, Gage, and Brown voting no.

Senator Berg moved House Bill 591 BE CONCURRED IN AS AMENDED. The motion carried on a roll call vote with Senators Smith, Elliott, McCallum, and Severson voting no.

ACTION ON HOUSE BILL 444: Senator Smith moved to amend House Bill 444 by adding an immediate effective date. The motion carried unanimously.

The committee delayed further action until later in the meeting for further information re a statement of intent.

ACTION ON HOUSE BILL 93: Senator Berg moved to amend the bill as per amendments 1(a) and 2 on attached committee report (exhibit #4). The motion carried unanimously.

Senator Berg moved to amend House Bill 93 as per the proposed Dover amendments (exhibit #5). The motion failed with only Senator Berg voting yes.

ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 3/23/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Bob Brown, Chairman	X		
Senator Ed Smith, V. Chairman	X		
Senator Roger Elliott	X		
Senator Delwyn Gage	X		
Senator George McCallum	X		
Senator Elmer Severson	X		
Senator Harry Berg	X		
Senator Chet Blaylock	X		
Senator Jack Haffey	X		
Senator Joseph Mazurek	X		

March 23, 1983

MR. PRESIDENT:

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 423

Ellison (Gage)

Respectfully report as follows: That HOUSE Bill No. 428

third reading copy, be amended as follows:

1. Page 12.
Following: line 22
Insert: "NEW SECTION. Section 9. Procedure to create new high school district. (1) A petition requesting the creation of a new high school district or districts shall be addressed to the county superintendent and shall:

(a) describe the territory that is requested to be incorporated in the new district and the taxable value of such territory as shown by the last completed assessment roll;

(b) state the reasons why the creation of a new district is requested; and

(c) be signed by the parents or guardians of not less than 35 children between the ages of 14 and 18 years who

continued

Chairman.

STATE PUB. CO.
Helena, Mont.

reside in the territory that would be included in the new district and who reside more than 20 miles over the shortest practical route from an operating high school.

(2) When a county superintendent receives a valid petition requesting the creation of a new district, he shall:

(a) file the petition;

(b) set a hearing place, date, and time for consideration of the petition that is not more than 40 days after the receipt of the petition; and

(c) give notice of the place, date, and time of the hearing. Notice shall be posted in the districts affected by the request in the manner prescribed in this title for school elections, with a least one notice posted in the territory to be included in the new district.

(3) The county superintendent shall conduct the hearing as scheduled unless before or at the time of the hearing he receives a protest petition signed by a majority of the electors of the proposed new district who are qualified to vote under the provisions of 20-20-301. A valid protest petition conclusively denies the creation of a new district. If a hearing is conducted, any resident or taxpayer of the affected districts must be heard. If the county superintendent considers it advisable and in the best interest of the residents of the proposed new district, he shall grant the petitioned request and order the creation of a new high school district with its boundaries coinciding with the boundaries defined in the petition. Otherwise, he shall, by order, deny the request. In the order creating the new district, the county superintendent shall establish the effective date for its creation and the procedures for effecting an orderly transition.

(4) Either of the county superintendent's orders may be appealed to the superintendent of public instruction within 30 days after the date of the order. The appeal must be in writing, signed by not less than three electors, and state sufficient facts to show the appellant's right to appeal the order. The superintendent of public instruction shall review the appeal and after considering the material presented at the county superintendent's hearing and such other material as may be presented, he shall render a decision on the creating of the new high school district. Such decision is final.

(5) When a new high school district is created, the trustees of the elementary district where the high school buildings are located are the new high school trustees. Any trustee position vacancies that may occur in the other districts must be filled in the manner provided for filling trustee position vacancies for such district.

(6) The order of the county superintendent or, if his order is appealed, the decision of the superintendent of public instruction creating a new district under this section is null and void, and the new district ceases to exist, if the district does not open and operate a school within 2 years after the date of such order or decision. If the new district does not satisfy this requirement, the territory must be

continued.

Chairman.

STATE PUB. CO.
Helena, Mont.

reincorporated in the district or districts in which it was located before the creation of such new district and the trustees are thereafter without capacity to act.

(7) If a petition has been filed under the provisions of this section and denied by the county superintendent, no new petition may be filed until one year after the final decision on the original petition."

Renumber: subsequent sections

And, as so amended, BE CONCURRED IN

Senator Bob Brown, Chairman.

STATE PUB. CO.
Helena, Mont.